



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,794	12/01/2003	Duane G. Krzysik	KCC 4968 (K-C 19,334)	1921
321	7590	02/02/2007		
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			EXAMINER KENNEDY, SHARON E	
			ART UNIT	PAPER NUMBER
			1615	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/02/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/02/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

14

Office Action Summary	Application No. 10/724,794	Applicant(s) KRZYSIK ET AL.	
	Examiner Sharon E. Kennedy	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/2003; 11/15/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action or the MPEP.

Claim Rejections - 35 USC § 112

Claims 14, 15, 31, 32, 47, 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how to make the indicators. No examples are given, and the examiner is unaware of any related art which could enable this feature.

Claims 1-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are directed to a cleansing wipe comprising about 70 to 98% or 99% by weight of a substrate, the substrate comprising a film forming water soluble polymer material. Accordingly, it is unclear if the wipe has 70 to 99% by weight of the water soluble polymer material, or if the substrate can be anything impregnated with an undisclosed amount of water soluble polymer material. From a reading of the specification and the remaining claims, clearly the former is intended. In other words, applicant should clarify the claim by stating: "... the substrate comprising being a water soluble film forming polymeric material...". This makes it clear

Art Unit: 1615

that the claim cannot be anticipated by any flushable tissue with a water soluble binder and a bit of soap. Applicant's disclosed product is more like a hybrid between paper soap and a disposable wipe which may contain a small amount (1% to 20%) of fiber filler as stated in claim 35.

Claim Rejections - 35 USC § 102

Claims 1-3, 6-9, 11-13, 15-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fujita et al., US 5,062,986. Regarding claim 1, Fujita discloses film-shaped soaps comprising water soluble polymers and soap (see abstract) in the weight ratios claimed by applicant (column 4, lines 15-18) shaped into films or sheets (column 4, line 67). Note the surfactants set forth in column 4, lines 55+. Although applicant characterizes the invention as a wipe in the preamble, nothing in the body of the claim distinguishes from Fujita, accordingly, the claim is anticipated. Regarding the times for disintegration, the examiner takes the position that Fujita inherently discloses this feature because the film comprises highly soluble polymers, can be relatively thin (column 5, lines 15-19) and is described as "rapidly" dissolving in water (column 5, line 30). Regarding claim 9, see column 3, lines 44-56. Regarding claim 13, see column 4, lines 23+. Regarding claim 16, see column 4, line 39. Regarding claim 3, note is made of applicant's published paragraph [0031] of US 2005/0118237 and the Fujita disclosure at the top of column 2. See also column 4, line 29, disclosing the additive may be a plasticizer.

Claim Rejections - 35 USC § 103

Claims 4, 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita '986. Regarding claims 4 and 5, Fujita discloses that the films made be formed with thickness of up to 500 μm (column 5, lines 15-19) and have a flexibility and tear ability. Accordingly, the examiner takes the position that the claimed material weight basis's are inherent from Fujita or obvious in view that clearly, any film thickness would be an obvious design choice. Regarding claim 10, in view that Fujita discloses the polymer is preferably a polyether polyol, the use of polysaccharides such as starch would be expected to perform in the invention.

Allowable Subject Matter

Claims 18-30, 33-46, 49-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note is made of the European Search Report and the discussion therein of references D1-D4 has been studied. The examiner agrees with the conclusions of the European examiner.

Regarding the patent to Lang et al., US 6,548,592, see especially column 19, lines 60-67 of Lang. Lang states the water dispersible wipes may be dry, which can be thrown in a flush toilet after use. Applicant requires a wipe which disintegrates. However, note is made of applicant's paragraph [0018] of the published application, US 2005/0118237, explains that the terms are interchangeable. The wipe may merely disperse into water as opposed to disintegrate. However, even if the examiner interpreted the Lang reference so that the Lang binder anticipated the film forming polymer, and the fibers disclosed in column 20 of Lang were merely applicant's claimed filler fibers (claims 35+), the Lang binders are not present in an amount which suggests applicant's claimed ranges of from about 70% to about 98 or 99%. See Lang, Example 5, column 44.

The patent to Zafar, US 6,177,391, is directed to a one-time soap substrate which is to be dissolved in water. See especially column 3, lines 45-64. However, nothing is stated about the composition of the product.

The patent to Richter, US 4,045,364 is directed to a dispersible paper impregnated with a detergent. Although Richter discloses a binder, Richter does not disclose or suggest the claimed wipe comprising about 70 to 99% of a water soluble film forming polymer material.

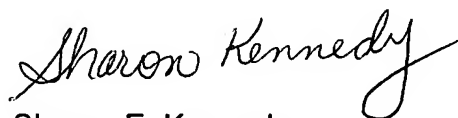
Contact Information

Art Unit: 1615

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on 571/272-8373.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sharon E. Kennedy
Primary Examiner
Art Unit 1615